

The Law Office of Ryan Lozar, P.C.
305 Broadway, 10th Floor, New York, NY 10007
Tel: (310) 867-1562; Alternate Tel: (646) 666-8262; Fax (877) 666-4456
ryanlozar@gmail.com
www.ryanlozar.com/www.luchaportusderechos.com



NOVEMBER 10, 2016

The Honorable William H. Pauley III
United States District Court for the Southern District of New York

Re: Bridgeforth, et al. v. City of N.Y., et al., No. 16 Civ. 273 (WHP) (S.D.N.Y.)

Dear Judge Pauley:

I represent Plaintiffs in the above-captioned action. I write to request a sixty-day extension of fact discovery with Defendants' consent. At present, fact discovery is set to close on November 29, 2016. Although the Parties have completed substantial discovery to date, and have spent hours conferring on disputes, which I will detail briefly herein, Plaintiffs request this extension because they wish to depose additional Parties and non-parties, and believe those depositions would be most efficient if outstanding, rolling paper discovery was received prior to depositions. This is the second extension request.

In the event the Court would like additional information regarding this request, the Parties are happy to appear at a conference. Plaintiffs would like to note that the Parties will shortly have two additional motions before the Court. One of these—a Motion to Produce—has already been filed and Defendants will respond on November 14, 2016. Docket No. 39.¹ And the Parties plan to file joint letter(s) setting forth their respective positions on additional disputes.

Proposed Schedule

EVENT	CURRENT DATE	PROPOSED DATE
Close Of Fact Discovery	November 29, 2016	January 27, 2017
Joint Pretrial Order	January 18, 2017	February 10, 2017
Final Pretrial Conference	January 20, 2017	At the Court's convenience

Discovery Produced To Date

The Parties have produced a great volume of discovery to date in this case. For their part, Plaintiffs have collected and produced nearly three hundred pages of records in four installments which

¹ I would like to apologize that I did not submit that motion in joint-letter format as per the Court's Individual Rules. I will adhere to that requirement going forward.

include court transcripts obtained from Manhattan Family Court; government records in Plaintiffs' possession; photographs; releases; relevant NYPD Patrol Guide Procedures; NYCHA records; legal materials relating to window-guard requirements in New York City; and more. Defendants have produced nearly three hundred pages of discovery as well, and have responded to two sets of formal discovery responses, in addition to Requests to Admit and a Rule 30(b)(6) Notice. The discovery produced by both sides has led to additional requests, and the Parties are working diligently to identify, collect, and produce all documents relevant to Plaintiffs' allegations, and to resolve disputes.

Outstanding Discovery

Despite these efforts, important paper discovery remains outstanding. Defense counsel has represented that she is working to locate and produce additional NYPD documents. Plaintiffs have agreed to produce additional releases. In addition, the parties continue to confer on a number of issues. Plaintiffs also seek additional documents from the New York County District Attorney's Office and the New York County Criminal Court, which are the subject of a pending Motion for an Order to Produce. Docket No. 39.

Moreover, Plaintiffs need additional time to depose additional witnesses. There is no dispute that the investigation that led to Plaintiffs' arrest and detention took over twenty-four hours. During that time, many police officers had some contact with the case. Documents that continue to be produced by defendants have led Plaintiffs to call for depositions of non-party officer(s). In addition, Plaintiffs believe select ACS workers have relevant information and should be produced.²

Depositions

The Parties presently have Party depositions scheduled for the week of November 14, 2016. However, due to scheduling issues, some Defendant depositions have not yet been scheduled.

For the foregoing reasons, Plaintiffs request a sixty-day extension of the time for fact discovery, until November 29, 2016.

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan Lozar", with a stylized flourish extending to the right.

Ryan Lozar
Attorney for Plaintiffs

² This is likely to be the subject of a joint discovery letter to be filed next week.